

Notice of Allowability

Application No.

09/967,237

Applicant(s)

ZAVADA ET AL.

Examiner

David J. Blanchard

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1643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05 December 2005.
2. ☒ The allowed claim(s) is/are 22-23 and 53 (renumbered as claims 1-3).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>12/5/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leona L. Lauder on 3/2/2006.

This Application has been amended as follows:

Claims 24-27, 32-35 and 39-45 are canceled.

In claim 22 (renumbered as claim 1), the term "epitope of native MN protein" has been deleted and replaced with term "epitope of the MN protein".

In claim 22 (renumbered as claim 1), the term "native" on lines 4 and 5 of the claim have been deleted.

In claim 23 (renumbered as claim 2), the term "native" has been deleted and replaced with the term "the".

In the specification, please replace the paragraph on page 1, lines 4-15 with the following amended paragraph:

This application is a continuation-in-part of U.S. Serial No. 08/787,739, filed January 24, 1997, now U.S. Patent 6,027,887, which is a continuation-in-part of the following seven U.S. Serial Nos., all of which were filed on June 7, 1995: 08/485,049,

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(now U.S. Patent 6,204,370), 08/486,756, (now U.S. Patent 5,981,711), 08/477,504, (now U.S. Patent 5,972,353), 08/481,658, (now U.S. Patent 5,955,075), 08/485,862, (now U.S. Patent 5,989,838), 08/485,863, (now U.S. Patent 6,093,548) and 08/487,077 (now U.S. Patent 6,069,242). Those seven applications are continuations-in-parts of U.S. Serial No. 08/260,190, filed June 15, 1994, now U.S. Patent 6,774,117, which is a continuation-in-part of U.S. Serial No. 08/177,093, filed December 30, 1993, now U.S. Patent 6,051,226, which is a continuation-in-part of U.S. Serial No. 07/964,589, filed October 21, 1992, now U.S. Patent 5,387,676. This application declares priority under 35 U.S.C. 120 from those U.S applications and patents.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Blanchard whose telephone number is (571) 272-0827. The examiner can normally be reached at Monday through Friday from 8:00 AM to 6:00 PM, with alternate Fridays off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, can be reached at (571) 272-0832. The official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully,
David J. Blanchard
571-272-0827



LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER